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Docket No.: 614.1963

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of:

Kazuhisa MURATA

Serial No. 09/289,580

Confirmation No. 8807

Filed: April 12, 1999

For: OPTICAL TRANSMISSION SYSTEM AND OPTICAL TRANSMISSION DEVICE

Group Art Unit: 2633

Examiner: David C. Payne

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RESPONSE TO ELECTION OF SPECIES REQUIREMENT

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

In response to the Office Action mailed July 24, 2002, imposing an Election of Species Requirement as between Species 1-9, applicants elect Species 1 directed to Fig. 2 and list claims 1, 21, 24, 27 to an optical transmission system, 22 and 25 to a transmitting-end optical transmission device in an optical transmission system and claims 23 and 26 to a receiving-end optical transmission device in an optical transmission system.

The election is made with traverse inasmuch as claim 1, claims 21-23, claims 24-26 as counterparts of claims 21-23 and claim 27 to an optical transmission system are submitted to be generic to all species and in light of which all pending claims should be subject to examination at this time or at least are entitled to consideration upon allowance of a generic claim as provided by 37 CFR 1.141.

At pages 2-3 of the Action mailed July 24, 2002, the Examiner contends:

However, it appears that not all of these claims are generic, e.g., figure 5 does not show all of the limitations of claim 21 such as:

...the **transmitting-end** optical transmission device comprising:
encoding means, having n outputs, ...**($n-k$) error correction bits**
for said k data and adding $(n-k)$ error correction bits to said k data.
...'. Similarly, there may be other claims which are not generic to
all the figures.

(Emphasis added)

The Examiner seems confused in the above contentions, since the terms in bold as well as expressions "k" and "(n-k)" are not recitations of claim 21; instead, those terms appear in original claims 1-20 but not in any of claims 21 through 29.


Favorable examination of the pending claims is respectfully requested.

Respectfully submitted,

STAAS & HALSEY LLP

Date: August 14, 2002

By: _____


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